

REMARKS

The claims of the two Groups have been characterized as being related as product and process of use. The Office has taken the position that the presently claimed product "can be used in different processes, such as in the formation of SOI electrical devices coupled to electro-acoustic devices." Applicants respectfully submit that the Restriction Requirement lacks proper support, and it should be withdrawn.

As noted in the Office letter, the Office must show that the product as claimed can be used in a *materially different* process. This have not been done in this case. While a proposed alternative use has been provided,¹ the Office has not shown that the proposed alternative is *materially different* as stated in the MPEP necessary for Restriction. In addition, the Office has not alleged that a burden would be placed on the Office in examining all claims, also a requirement for proper Restriction.

With regard to the species election, Applicants have elected Species I, Claims 1-15 and 46-60.² However, the Office has not provided any reasoning to support the conclusion that an Election of Species is necessary in this case. While Applicants appreciate the indication that the search will be expanded, Applicants submit that the present position of the Office does not support either Restriction or Election, and it is respectfully requested that these requirements be withdrawn.

Finally, and to the extent necessary, Applicants request rejoinder of the provisionally non-elected Species and non-elected process claims. Further, the Examiner is authorized to

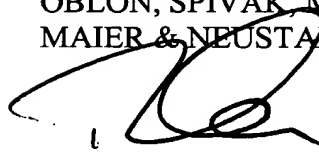
¹ Applicants make no statement, and take no position, with respect to proposed alternative use.

² It is believed that the Examiner's indication of claims readable on the elected Species moots Applicants requirement to do so.

appropriately amend the process claims so as to depend from the broadest allowable device claims if necessary for rejoinder.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No.: 36,379



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MARKED-UP COPY OF AMENDED CLAIM
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

--29. (Amended) The [device] method of claim [26] 28 wherein said charge transport is by way of traveling potential wells, and wherein said potential wells are piezoelectrically coupled to an acoustic wave transduced in said piezoelectric layer.--